

**REGULAR MEETING OF THE JASPER COUNTY BOARD OF COMMISSIONERS**  
**Tuesday, September 6, 2016**

The Jasper County Board of Commissioners met this date at 8:15 A.M. in the Commissioners' Room, Suite 202, of the Jasper County Courthouse located at 115 West Washington Street, Rensselaer, Indiana, with the following members present: Kendell Culp, Richard E. Maxwell and James A. Walstra. Also present were Auditor Kimberly K. Grow, Deputy Auditor Tina M. Porter, Highway Engineer/Supervisor Jack R. Haberlin and the Attorney who represents the Commissioners, Eric Beaver. The meeting was called to order and those present stood and recited the Pledge of Allegiance led by Pat Donnelly.

CLAIMS: Mr. Walstra made the motion to approve the claims as presented with the addition of the new equipment from Local Roads and Streets and the extended warranty. Mr. Maxwell seconded and the motion carried.

PAYROLL: Mr. Maxwell made the motion to approve the Payroll Claim for the check date equal to August 15, 2016 and August 30, 2016. Mr. Walstra seconded and the motion carried.

MINUTES: Mr. Walstra made the motion to approve the Minutes of the Regular Meeting and Continued Meeting held August 1, 2016 subject to the following corrections: Regarding the NIPSCO road project, "Kevin would probably submit that to Sayers" needs to be verified as Kevin and Sayers are one and the same. Regarding Chief Williamson/Court Security, "VHF radios" should be "BHF radios" and "Havelon" should be "Havel". Mr. Maxwell seconded and the motion carried.

JUDGE AHLER: Judge Ahler was present to ask for support in the hiring of a fourth person, which would be a second Court Reporter. At one time, Superior Court did have four employees, not including the Judge. He stated that Circuit Court has four employees and Superior Court has had three during his tenure. Over the years, he said he has discussed with the Commissioners the likelihood that he would eventually be needing a fourth person. He routinely asked the ladies in his office if they wanted a fourth person. He said he was blessed to have employees that were extremely efficient and competent; however, when one of them left, it became a serious problem. To try to run a court and a docket that they have is difficult on a short day and impossible long-term. Terri Budde left to take another elected position. They've needed a fourth person for some time now, but the three employees decided that they would divvy up the responsibilities of that fourth person. It is now unworkable. The three employees there when Terri left have built up forty to sixty days of vacation days because they are dedicated employees and don't take time off. Circuit Court has been loaning one of their Court Reporters to Superior Court for part of the day, but that puts Circuit Court in a bind. He's made an offer that has been accepted to replace Terri Budde, but there is no way he is able to bring in a new person to replace twenty-five years of experience. He is really at the point where he needs to go back to four employees. Mr. Culp asked Judge Ahler if he has the third person hired. He replied that he is expecting a start date of September 19, 2016. He then asked Judge Ahler if he requested the fourth person in the budget. Judge Ahler replied that he did. He also asked Judge Ahler if he anticipates the fourth person would start before the end of the year. Judge Ahler stated that he would like that person to start as soon as he can get everyone on board. Mr. Culp stated that there has to be funding and asked Judge Ahler if they've appropriated for that. Judge Ahler responded that he's already talked to the Council on several occasions and has received some support from them. The Council told him they could vote for it or he had the option of talking to the Commissioners first, which is what he said he told them he would do. Mr. Culp asked about physical space. Judge Ahler said that they will be tight on space, but everyone is willing to give up a little bit of their space to make it work for the benefit of getting that additional employee. Mr. Culp asked if there are any other questions. Mr. Maxwell stated that he's talked to Judge Ahler several times and he understands his point entirely. Mr. Maxwell made a motion to support the hiring of a fourth employee for the position of Court Reporter in Judge Ahler's Court. Mr. Walstra seconded and motion carried.

DANIEL BLANEY / COUNTY ROAD 1900 SOUTH: Attorney Blaney was present representing Jim Gilbert and John Gilbert (who were not in attendance) to discuss problems with water backing up on the County Road. He stated that the water is coming from Benton County. He brought pictures that his clients took several years ago.

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DANIEL BLANEY / COUNTY ROAD 1900 SOUTH CONT'D: He said to his knowledge, the County Highway Department has been down to look at it and were going to put in new culverts, but work has not been done yet. Mr. Maxwell stated that the work has not been done because his clients objected to it so much because they didn't want the same size culverts put in. He said that we are not going to go bigger. We're going to handle the same water a different way, but it will not be smaller. Mr. Blaney stated that there is a tile that runs underneath the culvert. Mr. Maxwell stated that Mr. Blaney's clients will just not listen to him even though we are not putting in smaller culverts. It will be the same size. Mr. Culp asked Mr. Maxwell if the two culverts will be replaced with one and he replied that they are going to put two back in. Mr. Blaney and Mr. Maxwell stated that the culverts are rusted out. Mr. Blaney stated that they just need bigger ones and Mr. Maxwell, again, said that they are not getting bigger ones, they are getting new ones. Mr. Culp asked Mr. Blaney if the pictures were from last year. They looked at the back of the pictures to see that they were dated from 2003, 2004 and 2005.

MICHAEL KUHN / SECURITY MUTUAL LIFE / GLG AMERICA: Mr. Kuhn was present and stated that he's worked with the County since around 2004 with the Boston Mutual Life Insurance Program. Jasper County was part of a Government program that he established in 1995. He said what his company does is pull all of the counties in to one large group and offer a permanent life insurance program on a guaranteed issue basis where the insured does not have to answer any medical questions. The nice thing about it, he said, is that the County does not have to pay anything for the program since it is employee paid. He stated that Auditor Grow's office does the payroll deduction for the Boston Mutual plan. Since 1995, he worked with a partner and built a program that included sixty-two counties. When his partner retired, he was supposed to give Mr. Kuhn his clients, but what he did instead was sell his book of clients to someone else and it left Mr. Kuhn in the situation where he didn't have the Boston Mutual program anymore. He did a lot of research and found a new carrier that he wanted to use to fund and underwrite his new Government program. He went to the Association of Indiana Counties, Inc. and talked to David Bottorff and asked if they would endorse his product since Mr. Bottorff was aware that Mr. Kuhn had worked with the counties for so long. It was taken in front of the Endorsement Committee, who unanimously approved the endorsement. He began going to his clients to let them know what was going on. He said he met with Auditor Grow to ask for her support to see if we could switch carriers going forward and he said she was ok with it. He brought reference letters from Larry Blevins, Scott County Commissioner; Kim Clauser, Wayne County Human Resource Director; Pam Goffinet, Perry County Auditor and Nancy Craig, Switzerland County Payroll Clerk. He also had with him a book of additional reference letters, one of which was from Rita Steele, who used to be Jasper County Auditor. She liked his program so much that she helped him get in to LaPorte County. He stated that he is requesting the County's ok to come in and work with the County like he always has, just with a different carrier going forward. All the programs that he's established for the employees are currently individually owned contracts. He said he can work with all employees that have the Boston Mutual coverage to keep their coverage or whatever they decide to do. Mr. Culp asked if this is strictly life insurance. Mr. Kuhn replied that all he does is permanent life insurance. He said the best thing about it and the reason it's so valuable to employees is because they don't have to answer any medical questions to qualify. Mr. Maxwell asked if he would have to set up meetings with the employees. He replied that he would meet with all department heads and work out a plan with them specifically to work with their employees and then he would meet with each of the Boston Mutual policyholders and explain what is going on and why there is a switch being made. Mr. Maxwell said he is ok with Mr. Kuhn meeting with the department heads. He said that the Commissioners have their own opinion, but usually go off the majority opinion. Mr. Kuhn asked Auditor Grow if it was correct to say that she only wanted to have one deduction going forward. She replied that that is what she would like to have because we already have so many different options. Mr. Culp asked her if the life insurance that employees receive through the health insurance is through this company and she said that it's through Financial Arts. Mr. Culp asked if there was a deduction for it and she said that there is not. It's part of their benefits. Mr. Maxwell asked if it's available to employees' spouses. Mr. Kuhn responded that it's available to spouses, children and grandchildren. The employees are guaranteed issue and there's a couple questions on the family members. Mr. Culp asked if the employee has a policy with Boston Mutual, does it continue on. He replied that the employee can keep those policies as long as they'd like and there are no changes to the policy. He makes sure any program he offers is fully guaranteed to never change.

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MICHAEL KUHN / SECURITY MUTUAL LIFE / GLG AMERICA CONT'D: He said he will set those employees up so they can be direct billed to their home. Mr. Culp asked Mr. Kuhn if he will not be servicing those policies anymore and he replied that he's happy to help them, but technically, he's not the agent anymore. Mr. Culp asked Mr. Kuhn if he expects an agent from Boston Mutual to contact the employee and he said yes. Mr. Maxwell asked if an employee leaves service with the County, can they keep the Security Mutual Life policy with no conditions and he replied that they can. Mr. Maxwell stated that they knew it was that way with Boston Mutual, he just wanted to be sure Security Mutual was the same way. Mr. Kuhn stated that the values on the Security policy are going to be a little bit better. Mr. Maxwell made a motion to approve Mr. Kuhn presenting the Security Life policy to the department heads and employees. Mr. Walstra seconded and motion carried. Mr. Kuhn stated that he has an agreement that he can send to Auditor Grow for the payroll deductions.

BOBBI JO SAMMONS / MAIN STREET RENSSELAER: Bobbi Jo Sammons requested to use the Courthouse lawn adjoining Van Rensselaer Street on the west for Oktoberfest, which is Saturday, September 24, 2016 from 11:00 A.M. to 11:00 P.M. Mr. Walstra made the motion to approve this request as presented. Mr. Maxwell seconded and the motion carried.

BURIED CABLE: Mr. Haberlin stated that there are three total. Two of them are from Sprint and are very small. They are for a simple bore and a twenty-five foot repair in Carpenter and Barkley Townships. There is no tile. Mr. Culp asked Attorney Beaver if he was working on a different form for the buried cable. Attorney Beaver replied that, once we have the code in place from Seattle, it will be easier to take care of those sorts of ordinances. The form itself references an ordinance that's difficult to locate. He said he did review the language and he's comfortable with the language as is. Once the code is in place, he said he may revisit it. Mr. Maxwell made a motion to approve the two buried cable requests from Sprint. Mr. Walstra seconded and the motion carried.

Mr. Haberlin stated there is one request from NITCO (Northwestern Indiana Telephone Company). He said Mr. Don Schoenbeck from NITCO was in attendance at a Drainage Board meeting. The request is for Whispering Subdivision and Peaceful Valley Subdivision, where they are re-cabling. Mr. Haberlin stated they wanted to combine them on to one application, which is ok with him. Mr. Maxwell asked Mr. Haberlin if this project is fiber optic and Mr. Haberlin replied that it is. Mr. Maxwell stated that there is going to have to be someone with Mr. Schoenbeck. He wants someone watching him. Mr. Haberlin stated that because of the regulated tile, we'll have to talk to Mr. Urbano. Mr. Maxwell said that NITCO is going to have to pay for it, too. Mr. Culp stated that he believed Mr. Schoenbeck agreed to that in the meeting. Mr. Maxwell stated that he wants to see that it's four feet deep and he wants it trenched, not plowed. Mr. Haberlin stated that he believes Mr. Schoenbeck stated that they are boring all. Mr. Culp stated that the application shows seven bores. Mr. Haberlin stated that that is just how we charge. That means he's going under the road that way, but he might bore the whole project. Mr. Maxwell said that boring is fine, but no plowing. Mr. Culp asked Mr. Haberlin if we should ask these firms to give us a schematic of the easement and where the bores and cables, etc. are placed within the easement. Mr. Culp believes the County should have more directive in telling them where they're allowed to place things within our easement, which would also help the next person that wants to use the easement. NITCO has given us a route, but it does not indicate how many feet from the road. Tile are not specifically locatable. Mr. Haberlin questioned whether we need to purchase more right-of-way, if we want to widen roads, can we take the road all the way to the edge of the right-of-way. Mr. Culp stated that, rather than us approving right away, there needs to be more directive from us on where in the easement things should be placed. Mr. Maxwell added that it would be more for cases when we know there are other things in the easement. Mr. Culp agreed and said that it doesn't matter as much when it's in the country and there's not much there. Mr. Haberlin said that the companies requesting use of our right-of-way might come to us asking us what is in the right-of-way. Mr. Culp told Attorney Beaver that this might be something to put in our agreements once the code is done. Mr. Maxwell stated that we need to attach our requirements to the agreements when we send it back to them. Mr. Walstra asked if we should require more on this application from NITCO. Mr. Maxwell replied that it's ok if they're going to bore it all, but it's still going to be deep.

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BURIED CABLE CONT'D: Mr. Walstra made the motion to approve on the condition that it must be bored. Mr. Maxwell seconded and the motion carried. Mr. Haberlin stated that, next to their signatures, they should write that it has to be bored four feet deep.

Mr. Culp addressed Mr. Haberlin regarding the manure lines that were put in our right-of-way on 400 East. They put spoils in the road and pushed it back so the road is actually a little wider. They put a three foot structure, like a tile, where the line comes up. It elbows and goes back down in order for them to hook a hose to it. The tile that protects that is touching the edge of the road. This is a case where the road cannot be widened because the tile is touching the edge of the road. There needs to be engineered plans because it's a hazard and the snow plow is going to take it out and damage the pipeline. Mr. Culp stated that we did put a reflector next to it. He said that one of our requirements was that they sign a hold harmless agreement. Mr. Culp asked if we know if that happened and who is in possession of that. Mr. Haberlin stated that, if it was part of our permit, once they sign it, the hold harmless attaches. Mr. Culp asked if it is on file in his office. He replied that he keeps an original and he emails a copy to the Courthouse. Mr. Culp asked if we know if that was signed or not. Mr. Haberlin said that he will look it up. Mr. Culp stated that, if someone were to hit that, the County should not be held liable. Attorney Beaver stated that, with a hold harmless, the idea is that even if the County were liable, the other party would hold the County harmless from that and the parties signing the hold harmless would be obligated to indemnify the County and pay the County's share, if the County is, indeed, liable. They are essentially insuring the County against any loss by the County as a result of something they install in the County's right-of-way. Mr. Haberlin will follow-up on the hold harmless.

DAN FAGEN / PPACA TRANSITIONAL REINSURANCE FEE: Mr. Fagen was present to discuss the transitional reinsurance fee. We've had this fee the last three years. It's part of the tax for the Affordable Care Act. It's supposed to be going away after this year. The last two years, the County has paid Key Benefit Administrators to take care of figuring the tax and submitting the money. It is going to cost the County \$150 if they would like Key Benefit Administrators to take care of that again this year. On the acknowledgement form, it states that it must be done by September 2, 2106, but Mr. Fagen was able to get an extension until September 6, 2016. Mr. Maxwell made the motion to approve. Mr. Walstra seconded and the motion carried.

JEFF DEYOUNG / FROST LAW: Mr. DeYoung was present to discuss the frost law sign that was put up on County Road 575 West. He stated that, not only does he run his business out of that road, which is on Commercial Drive that is 1,800 feet from the highway, he rents truck bays and parking lot space to ten different businesses and/or owner operators who are the law-abiding, tax-paying citizens who have decided not to park their trucks in town or at their homes and are now asking him how they can get to the highway. Among some of those that have trucks in the rented building are Wheatfield Fire Department (three trucks), Henry DeKock Trucking, Robert Northcutt Trucking, Larry Postma Trucking and Hank Mann Trucking. Ryan Stepp, who owns Wheatfield Truck Repair, was recently asked by Planning & Development to move his business off of County Road 350 West. He now rents a bay from Mr. DeYoung. Mr. Stepp runs about four to eight trucks a week out of his business. Mr. DeYoung stated that with his own business, he has three tri-axes, a quad-axle, one semi and two low boys. He also has eight full-time employees and two part-time employees that add up to about twenty-one trucks running out of that building. He believes that the Industrial Park was the right thing to do, but then they see the frost law sign go up. Last year, there were days they were respecting the law and staying home; however Ceres Solutions had semi deliveries on those days from trucks coming from outside of Jasper County. He stated that, according to the GIS, there are one-hundred and sixty acres that are part of the Industrial Park. It includes Phase 1 that was started by Dave Bosgraaf, Phase 2 in the back which is where Mr. DeYoung is located and an additional twelve lots owned by Rodney Urbano from Town & Country Paving, and the Town of Kersey, which is totally included. Ceres Solutions has the railroad spur that comes through County Road 550 West, which is another frost law road. It only leaves one entrance to Route 231 and Route 10, which is Industrial Drive. Industrial Drive only encompasses about seventy-two acres. That leaves eighty-eight acres with no access. There is just not a good route for them to get there. Mr. DeYoung said he started his business in 2001 out of his home on County Road 1400 North. In 2007, he purchased a lot for \$63,000 from Mr. Fritts and Mr. Urbano.

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JEFF DEYOUNG / FROST LAW CONT'D: He then built a building at a cost of \$225,000, which he is currently putting an addition on. He also bought the adjoining lot off of Mr. Urbano for \$56,000, which will be a future truck parking area, but is currently being used for storage. Over the past ten years, he's invested \$350,000 with the understanding that he had moved his business from a County Road to the Industrial Park, which is 1,800 feet from the highway and as of last spring, now has a frost law sign. He said it's frustrating because on frost law days, it prevents them from leaving the shop. He mentioned, for future thought, that he has been a member of the Kankakee Valley School Board for the past six years and they managed a budget of twenty-two million dollars there and they make decisions today to make things better for the future. We need to upgrade these roads today. He stated that he's talked to Mr. Andree, who is talking about putting a second water tower on Mr. DeYoung's property. He's going to try to tap in to the aquifer in Kersey where the artesian spring is. This would also supply all of the schools and the Industrial Park, which would attract new businesses without adequate roads. Being that the new businesses would be large warehouses, they require the fire suppression. This would all be new and good growth. He was approached last year by Malcom DeKryger who wanted to purchase his building and all the surrounding lots because of the railroad spur. Belstra Milling was also considering putting up a bean mill at that location and they were prepared to purchase Mr. DeYoung's property. Those plans have gone by the wayside for now. In 1987, Mr. DeYoung's family's business was moved off of a County Road and they built a new shop behind Belstra Milling. With that in his past, he thought he was doing the right thing, by investing and moving his business to the industrial park, just to find out there is not adequate roads or access in or out. Mr. Culp asked if there were any questions for Mr. DeYoung. Mr. DeYoung stated that 575 West is a chip and seal road. It's an inch and a half with probably a couple inches of stone. His concern is that he's trying to run a business. He asked if the Commissioners had any suggestions and asked if they could put him on the list. He stated that he called Mr. Urbano, who is all for it. Fifty percent of Mr. Urbano's traffic comes out on County Road 575 West, unless he's going towards Demotte then he comes out on Industrial. There's a lot of truck traffic and it has the potential to have a lot of future business and truck traffic. It's in a good location, right between DeMotte and Wheatfield. Mr. Culp stated that he's heard two issues, the frost law is hindering Mr. DeYoung and he needs a better road. Mr. DeYoung stated that that's correct. Mr. Culp stated that those two go hand-in-hand. The frost law is in place to protect the roads we have. The road issue can be put on the list, but he said we are unable to say that the frost law can be relaxed. He mentioned that he and Mr. DeYoung talked prior to the meeting about some options and Attorney Beaver is going to have some paperwork in place for them by the end of the year. He said we are addressing each situation as it comes. There are some businesses that may need a short access to the highway like Mr. DeYoung and others are more complicated and need a longer access. Mr. DeYoung asked Mr. Culp what kind of paperwork he has in mind. He asked if it would be a permit of some type. His concern is if the road gets torn up, how will they know who did it. He's wondering how that could be policed. Mr. Culp said that is why there is the no exception policy right now. He said he wouldn't necessarily call it a permit, but it will be some sort of agreement. Since Mr. DeYoung and Town and Country have the main access, it would be something that they would both have to agree on. Mr. DeYoung stated that he mentioned to Mr. Urbano the possibility of the two of them each paying half and paving the road. Mr. Culp stated that that's what they are talking to other businesses about. Mr. Culp told Mr. DeYoung to let Mr. Urbano know that they will be getting together within the next week and they can put that on their list to discuss.

GAIL ACKERMAN / COUNTY HIGHWAY DEPARTMENT: Mrs. Ackerman was present to ask for permission to extend the Highway Comp to be used by the end of November instead of October. They have eight-hundred and sixty three hours that need to be used by the end of October and she said there is no way they can do that. Mr. Maxwell stated that the chip and seal will last through the end of October and they have some paving to do. Mrs. Ackerman stated that, now that they are doing chip and seal, they've asked the guys not to take off. Mr. Culp stated that he's fine with extending the comp time. Mr. Walstra made the motion to support extending the comp time until the end of November. Mr. Walstra seconded and the motion carried.

She stated that they have an appropriation of safety supplies. She requested permission to purchase the three-part jacket with zip-out liner for the men for fall and winter.

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GAIL ACKERMAN / COUNTY HIGHWAY DEPARTMENT CONT'D: She does not believe they would need to be purchased every year. She is thinking they would last three or four years. She said that she's done some research and found that the Indiana Department of Transportation, City of Rensselaer and the City of DeMotte all supply their men with jackets. She said that there is \$8,800 in the safety supply account. The jackets will cost around \$2,200. Fastenal brought in jackets for the men to try on. Mr. Culp asked if the men like the jackets and she replied that they do. Mrs. Ackerman stated that there is a heavy fleece removable liner that they can take out for fall and the jackets are also water-resistant. Mr. Culp said that he doesn't think this needs a motion. Mr. Maxwell and Mr. Walstra agreed and she was told she can purchase the jackets.

Regarding the two new trucks that were purchased, Peter Bilt made out the titles to the Jasper County Highway Department. Years ago, they only made the titles out the Highway Department. Mrs. Ackerman talked with former Auditor Rita Steele when she was in office and they decided on having the titles made out to the Jasper County Board of Commissioners. She asked if it's ok to keep those titles, rather than sending them back and reissuing them. She stated that no one, other than a Commissioner, is able to sign off on any title. Mr. Maxwell stated that he was told the titles had to be in the name of the Jasper County Commissioners. Mr. Culp stated that he believes we would just be out a fee and the trucks could still be used. Mr. Maxwell asked if there could be a transfer made out to the Commissioners. He was unsure if the Bureau of Motor Vehicles would transfer the title or if the point of origin has to stay the same. He stated that the simple fix would be to pay the transfer fee at the BMV and have them transferred to the Board of Commissioners, rather than sending it back.

Mrs. Ackerman requested permission to hire two more men. She is aware that they've been on a hiring freeze for a long time, but they are short-handed. She said the two road foremen are flagging because from now on, she has two men flagging. Mr. Maxwell stated that they've had drag men flagging. Mrs. Ackerman said they had to pull two of the drag men to flag for one week. Mr. Culp stated that there is nothing wrong with the foreman being on the job. He said the only way he would support this request is if they hire one person and put him in a drag and then if they need him, they could pull him off. He stated that we can't keep up with three drags. Mr. Maxwell stated that the new person would have to have a CDL, no matter what, so he can drive a truck any other time. Mr. Culp stated that there is money in the budget for an additional employee. Mr. Maxwell made a motion to approve the hiring of one additional person. Mr. Walstra seconded and the motion carried. Mrs. Ackerman thanked them and said she will get them the applications to go through.

VINCE URBANO/ SURVEYOR/ BERRY IT: Mr. Urbano was present; however, Berry IT was not. Mr. Urbano believes that they were going to be at the Drainage Board meeting later in the afternoon. Mr. Culp stated that they were on the Commissioner's Meeting agenda for that morning. Mr. Urbano stated that he can give an update. He said they found a plug to the West of Claussen's yard and fixed that. After a couple rains, they found out there were some more water problems upstream. He stated that they had some disagreements with Berry IT, so he went to the owner of the company. AccuDig is currently out on location. Last week, they found a plug on the East side of Claussen's yard as well, another collapse in the tile. They opened it and had a lot of back-pressure on the tile so they let it drain for a couple of days. He said they are currently out there working and found another block sixty feet upstream. They are opening it up and repairing open areas where they are finding broken tiles until they get to the top end of the tile. He believes there are a few more problems in the main that they're trying to get taken care of. AccuDig is on site with a full crew and their vac truck. AccuDig is working for Berry IT's insurance company, Nationwide. The owner of Berry IT has said to do whatever we need to do to take care of the problem. Mr. Urbano feels that we have the open door to take care of this. He stated that he's taken over since Berry IT's officials have not been present. He said he and Mr. Knezevic are on site making sure this is taken care of so that the residents in the area are draining properly. He's heard from a few people that it did help a little bit. Citizen Mrs. Claussen stated that she hasn't had any water in the basement. She said the only issue they had was, until the drain to the west of them was worked on, they had surface water but it has since drained out and been good since then. Mr. Urbano stated that it does look ugly out there. They are letting things dry up and will have a company come out and smooth it and re-seed.

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VINCE URBANO/ SURVEYOR/ BERRY IT CONT'D: Mr. Culp asked if they were running the camera today. Mr. Urbano replied that they are. He said that things are dried up and they made it another sixty feet upstream, where they found another block. They are digging it up and repairing as they go. He got permission to have AccuDig bring materials and they would fix things as they go. Citizen Mrs. Wood asked Mr. Urbano if he's aware they busted the tile at the property line between Miller Wood and Glen Wood Farm. Mr. Urbano stated that he's not understanding what area she's speaking of. She explained it as being the West line fence where she lives. She said she spoke with the repairmen. Mr. Urbano replied that she did tell him that. She also stated that, East of that, where the culvert comes across the road, the repairmen were down there for a long time with their machinery. She thinks that that is where the problem really started. He said that is what he had gathered by talking with her the previous week. He told her that he did make note of that and they are planning on going past that culvert with the camera. The camera has a measuring device and if they find a problem, they will be fixing it immediately. She stated that, at Claussen's, it's going to need more than smoothing. She said it will need to be graded so that the water will go towards the river. She said it's not right. Mr. Urbano said that it's a State Highway question if she's talking about the right of way. He said that we only have jurisdiction of the underground tile. She suggested that they should be called in and Mr. Urbano replied that he has called them several times with little to no response. He said he will continue to call them to try to get some co-operation from them. Mr. Wood asked about them running the camera and when they find the laterals, do they have it written down where they are located. Mr. Urbano said that they have the disk and anyone is welcome to come to the office and someone will show it to them. Mr. Wood asked if he could get print-outs of where the tiles are located because surely there are more than one tile. Mr. Urbano said that there are a few tiles coming from the South and a few were clipped and since repaired. When they get to a lateral, the camera has the technology to turn and zoom in to see down in to it a little bit. Where the main hasn't been touched, a few laterals have been clipped and they are making repairs as they find them. Mr. Wood stated that when they dug in his yard, it's about a three foot by four feet area that has settled about eight inches lower than the surrounding yard and is hard to mow. Mr. Urbano told him that we could get some fill for him and smooth it out, being that this is a county drain. Mrs. Claussen wanted to confirm that the Highway will be responsible for grading and Mr. Urbano replied that the company that damaged it will come in and smooth everything up, but as far as getting perfect grade, they are going to have to be involved. She said that, when they were in there with the backhoe, there were a lot of undercuts that were close to the highway and there was a lot of erosion close to the road so that might be something they will need to look at. Mr. Urbano stated that he would expect them to come in anytime now and reshape things. Mrs. Wood stated that she has a "Men Working" sign in her car that she's been mowing around. Mr. Culp asked Mr. Urbano if he had any "Men Working" signs and he said that he did not have any out there. She said that the guys that are out there working now have signs facing the other direction. She asked if she should drop it off and give it to them and then asked who wants to pick it up this morning. She said she's tired of it because every week she has to pick it up. Mr. Urbano asked if it was located between her and Claussen's. She said it was East of her and she hauled it up to the mailbox. She said someone suggested to her that there might be someone at the meeting that could take it. Mr. Culp told Mr. Urbano to pick it up. It could belong to any of the contractors that were out there or it could belong to the State. That will get it out of the way for her. Mr. Culp thanked everyone in attendance for their patience. He said it was obvious that the water was not draining and the water was stagnant, which is why they got the cameras back in there. He said that apparently, Berry IT will be at the 1:00 Drainage Board meeting this afternoon and they are more than welcome to come back for that. Mrs. Claussen thanked them for continuing to take care of the problem.

BILL BATLEY / IT / COMPUTERS / PHONES: Mr. Batley was present and stated that we have problems with the phones and computers when it storms. He said that we've upgraded a lot of equipment over the years and made some improvements. Five years ago, we put in a bunch of grounds to minimize the lightning damage. This has still not resolved the issue. This past July, we lost a bunch more equipment due to lightning. He said that he's been working with CenturyLink over the past year to try to come up with a solution. The solution they keep coming back to is eliminating the copper connections into the buildings. We have copper wiring that goes from the Courthouse, under the street and over to the Health Annex. It seems like every time we get hit, they get hit at the same time.

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BILL BATLEY / IT / COMPUTERS / PHONES CONT'D: We've tried grounding that and it hasn't made a difference. They came up with a solution through CenturyLink to replace all the older style technology that has copper connections with equipment that has fiber. The fiber will not transport the voltage and it dies at the source. On the table is a five year lease plan. This plan will eliminate all copper connections and upgrade some of the network switches that have repeatedly been hit by lightning. The connections that will be eliminated are at the Highway Garage, Community Corrections, Surveyor's Annex, Health Annex and the Courthouse. Everything will be connected back to the Courthouse via fiber connections. The entire phone system would be replaced with a new digital system. It will also eliminate our monthly long distance charges. The long distance would go across the internet, not the phone lines. It would also include a back-up system at the Highway Garage. We've currently maxed out our internet connection as far as the amount of data we're getting. The new plan will increase our data. Currently, the Surveyor has five megabytes of data. With this new plan, they will have up to fifty megabytes of data. Currently, Corrections connects to the Highway Garage. They will have a connection directly to the Courthouse. There is a fiber connection between the two buildings that will be used as a fail-over if something happens to the connection at one or the other of the two buildings. The new annual total will be around \$98,000. Our budgeted number for 2017 was \$106,000. Currently, the bandwidth at the Courthouse is fifteen megabytes of dedicated internet, which would go up to fifty megabytes. This would increase all the internet connections and the flow between the buildings and will get rid of all the copper. This will also move all the fax machines across the fiber optic lines. This plan will eliminate the yearly \$3,600 long distance fee, as well as our long distance codes. Mr. Culp asked if the \$98,000 would be the least. Mr. Batley replied that it would include all the equipment, service, everything. Mr. Culp asked how many years we would be paying \$98,000 and Mr. Batley replied that we lease for five years. At that time, we could buy all the equipment for \$1.00. Mr. Culp asked if everyone would get new phones. Mr. Batley said yes as well as getting new voicemail boxes. He said CenturyLink would like to set up a time this week to set up the new phones in the Commissioners Room to show all the Elected Officials and department heads what the capabilities are, etc. The current system doesn't allow us to have a lot of unattended mailboxes. To set up a recorded message for the Highway Department regarding the frost law, it took two technicians a half a day to figure it out. With the new system, it's a matter of a few buttons. The technology is much newer and more user friendly. Mr. Culp asked if the main controls will still remain in the Courthouse. He replied that it will be a small box in the rack in his office. It is all software based so there will not be any hardware other than that box. The same box will also be located at the Highway Garage for fail-over. Mr. Culp asked if the \$98,000 is an annual cost. Mr. Batley replied that it is and it brings us down from \$106,000. Mr. Culp asked if the \$106,000 is an annual budget or just a replacement, to which Mr. Batley replied that it's an annual budget. The cell phones were not included, which adds another \$20,000. Mr. Batley stated that he has the contracts if the Commissioners would like to sign them and if Attorney Beaver needs to look them over, they are the same ones that we normally get from CenturyLink. Mr. Maxwell asked if that amount would increase yearly. Mr. Batley stated that it will actually go down by \$11,000. Mr. Walstra made a motion to approve the contract with CenturyLink. Mr. Maxwell seconded and the motion carried with Attorney Beaver's approval.

Mr. Haberlin mentioned that we have some older equipment that we tried to sell a couple auctions ago. He said if we put them on e-bay, they would charge us and we can't guarantee that they work anymore. He asked if we can recycle them. Mr. Culp stated that we've tried twice to sell them, so it's ok to recycle them. Mr. Batley asked if we are going to have an auction any time soon. He stated that he has a bunch of stuff in his office that needs to go, but it's not worth having an auction over. He said he's going to talk to the State to see if he can get recycle some of the equipment he has.

SHERIFF RISNER / ADDITIONAL HIRES / PARKING LOT / RADIO TOWER /

DRAINAGE: Sheriff Risner was present to request permission to replace a vacancy for a Correctional Officer due to Officer David Schaetzel leaving to work as the Wheatfield Town Marshall. Mr. Maxwell made the motion to approve this request. Mr. Walstra seconded and the motion carried. He also stated that he will have two part-time Courthouse Security positions that will need filled within the next two weeks.



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SHERIFF RISNER / ADDITIONAL HIRES / PARKING LOT / RADIO TOWER /

DRAINAGE CONT'D: One Officer is taking a correctional position and the other one has given notification that he is taking a job as a full-time Correctional Officer in Westville. Mr. Maxwell made the motion to approve the request to replace the two part-time Courthouse Security positions. Mr. Walstra seconded and the motion carried. Sheriff Risner stated that this will leave us with one part-time until we can get the other two replaced so the part-time person will have increased hours. Jen Rusk is the full-time Officer. It also requires them to do some training, since the Officers are armed.

Also, he stated that he's had a Merit Deputy resign. Deputy Brian Burke, who was our canine handler with eight and one half years of experience, is taking a position with the Federal US Air Marshalls. Mr. Walstra made the motion to approve the replacement of Deputy Brian Burke. Mr. Maxwell seconded and the motion carried. Sheriff Risner mentioned that the canine that Deputy Burke has is reaching the end of his service life. They start having hip issues and they've been watching him. He is going to retire the dog with Deputy Burke. The dog cannot be retained with another handler and be effective or safe, which is standard practice in Law Enforcement. He said they have two options, either retire the dog with the handler or put the dog down. That will leave the Department with one canine unit. He said they will re-evaluate sometime next year if they will be adding another canine unit. Mr. Culp asked how long it takes to train the dog. Sheriff Risner replied that if you get a green dog that is at the training age, you send the handler and the dog to at least a six week school. Then you have to have annual certification and they do monthly training. They are also training each day. This is just for basic patrol functions. If you get in to anything further than that, there's additional training.

Sheriff Risner stated that the parking lot has been completed. Regarding the radio tower, the equipment is in, the tower is up and everything's running. We're getting the REMC bill for the electricity usage. We saved \$55,000-\$60,000 by not putting in the current 800 MHZ equipment and putting in the P25 upgrade because that upgrade is coming through this year. He said we haven't accepted the tower yet. It's still under Motorola. They've sent a change of order. The P25 upgrade is expected to be completed by December 31 of this year. Mr. Culp asked if it will be the end of the year before we are online with it. Sheriff Risner stated that we have not signed off on it yet, but we are paying for the electricity because the equipment we purchased and the State's equipment is there. It's fenced in and the generators are in place. He said we are unable to turn it on as an 800 MHZ system until the P25 upgrade is done.

Sheriff Risner stated that Sanders Cycle, the jail's business neighbor to the South, is complaining about drainage. The berm on the South side of the property between his building and the berm is collecting water. Sheriff Risner said that he and Mr. Urbano took a look at it and it's not a very large area. Everything, including the retention pond, is draining away like it should, except this one area. It leaches away slowly. He stated that the owner of Sanders Cycle told him they've noticed that it's gotten worse over the past couple years. Sheriff Risner said that he talked to Mr. Urbano and Mr. Urbano thinks that a shallow, receded V cut that drains to the East towards the retention pond would take care of the problem, along with sloping it properly and seeding it. There are a few catch basins at the end of the berm area. He stated that he did ask Mr. Kahler to get on the agenda to talk to the Commissioners. Sheriff Risner states that the area is dry now and the lawn service was able to get in there and mow. Mr. Culp stated that he's wondering if it would be easier to just run a tile through there. Sheriff Risner stated that the catch basins are probably one-hundred and fifty, maybe two-hundred feet from where the water is pooling. It's more towards the highway where it's pooling. There are two catch basins to the East.

At this time, there was a short break.

QUOTES RECEIVED / CENTRAL ANNEX PARKING LOT SEALING: Mr. Culp stated that we received three bids for sealing the parking lot at the Central Annex. All of them quoted for crack filling and two coats of sealer. The bids received were from Town & Country Paving in the amount of \$6,269, Asphalt Solutions in the amount of \$5,671 and Kaufman Seal Coating in the amount of \$5,400. Mr. Walstra made the motion to award the bid to Kaufman Seal Coating for \$5,400. Mr. Maxwell seconded and the motion carried.

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QUOTES RECEIVED / CENTRAL ANNEX PARKING LOT SEALING CONT'D: Mr. Culp asked Mr. Kaufman if he had any questions. He asked Mr. Culp what the timeframe is that he has in mind. Mr. Culp replied that we need to do the work when it least congestive. There is a drive that goes back to three or four houses and they will have to use the grass. Mr. Kaufman asked if this was going to be affected by the work that Farm Bureau is doing. Mr. Culp said that he can contact Farm Bureau to see when their work is being done and they can coordinate it. Mr. Kaufman said that he would wait to hear from Mr. Culp. Mr. Kaufman stated that he doesn't want to wait much longer than the end of September due to the weather. Mr. Culp stated that he would make a few phone calls and let him know.

MARY SCHEURICH / FLOOD ORDINANCE / PITSTICK REZONE: Mrs. Scheurich was present with the Ordinance for the Flood Hazard. Periodically, the State of Indiana makes changes to that and asks the counties that they update to adopt their changes. We can be more specific, but not less specific. The Plan Commission recommended that we adopt the model ordinance from the State of Indiana, which was a unanimous vote, with eight out of nine members present. Mr. Culp asked if this is a statewide ordinance that counties adopt. Mrs. Scheurich replied that that is correct, in compliance with the flood hazard if you are part of the National Flood Insurance Program, which we are. Mr. Maxwell made a motion to accept the Ordinance. Mr. Walstra seconded and the motion carried.

She stated that she has a rezone request from general commercial to agricultural in South Union Township. The individual requesting the rezone is Andy Pitstick. The Plan Commission recommended denial of that rezone in a five to three vote. Mr. Pitstick's attorney, Brianna J. Schroeder, was present and stated that she wanted to speak with the Commissioners about why she and her client believe that the Commissioners should reconsider that decision and approve the rezoning to A1. Mr. Pitstick was present as well as Mike Veenhuizen from Livestock & Engineering Solutions, Inc. Ms. Schroeder said that it looks like the APC didn't look at the comprehensive plan for Jasper and the intended future use of this land. The comprehensive plan, the past land use, the current land use and the future land use is in Jasper County's best interest to rezone this property to be agricultural. The historical land use of this property has been agricultural, regardless of the zoning. The property has been used for farming row crop, corn, soybean and hay. It's held hogs and actually has manure lagoons on it dating back at least in to the mid to early 1990's, maybe longer. The exact date is unclear. On a property that has manure lagoons for at least twenty years is a pretty clear indication that it's been used as agricultural property. She brought google earth images from 1998 and 2003 that shows the property in question has been used as an agricultural property. Other evidence to support that is the property card. The property class shows it's use as 199 – other agricultural use. The zoning is GC – general commercial. Her understanding is that, back in the 1970's, there was a zoning designation for roadside business, which at some point, went out of use, so a lot of this property defaulted back to be general commercial., which is what is shown in Jasper County's UDO. Past owner history on the property card shows that, in 1994, Indiana Livestock owned and used the property. She brought multiple 2005 google earth print-outs. One is of the subject property and then the rest are zoomed out to show this property is agricultural. The surrounding properties are fields and a few small engine businesses but generally an area that is agricultural in nature. She had with her, a copy of the Jasper County comprehensive plan map. She said on the map, the entire area was intended to be used in the traditional agricultural way. She believes that one of the problems that occurred at the Planning Commission's meeting was that the comprehensive plan was not brought up and not discussed and the map was not used. She cited a zoning statute that should be looked at when considering a re-zone, 3674-616D. Mr. Veenhuizen stated that, it appears that during the Plan Commission's meeting, there may have been some concerns or questions that did not get answered. He said that clearly as we look at what Mr. Pitstick has requested is to rezone this as agricultural. His purpose is to be able to have an extensive pig production, sow, farrow to wean, raise a group of sows on solid floor in building(s), while meeting the natural standards of the company he's working with, which requires that the animals be kept on clean, fresh bedding with the opportunity to be outside on pasture. They have a clear standard that pasture qualifies as seventy-five percent vegetative cover. Indiana Department of Environmental Management requirements are at least fifty percent cover.

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Veenhuizen stated that, as presented at the Plan Commission meeting, Mr. Pitstick intends to have approximately one-hundred ninety to one-hundred ninety-one animals. One of the questions that came up was regarding farrowing animals. He would farrow approximately twenty at a time. Under State and Federal rules, a sow and litter is considered as one unit. The number of animals that Mr. Pitstick would house would be defined under the interpretation of confined feeding and animal feeding. In Jasper County's UDO, there are several classifications for the raising of agricultural animals. There was discussion about the keeping of animals, the raising of farm animals and confined levels one, two and three. He said they all have a key point in Jasper County's UDO and also have very distinct characteristics. The keeping of animals is a broad spectrum of domesticated animals, exotic animals, pets and agricultural animals. He stated that he doesn't believe that it applies in Mr. Pitstick's case. In Jasper County's UDO, Mr. Pitstick falls under raising less than two-hundred farm animals, which is a Level 1 confined feeding. Level 1 is two-hundred to six-hundred head. He will not reach a Level 2 or Level 3. He will fall in the category of raising agricultural animals and that is allowed in an A1 district. There is also a provision as it relates to pasture, number of animal limits and acreage. Looking at the definitions in the UDO, keeping these animals in a building and allowing them access to a pasture, but not actually a true pasture system, they are confined (in accordance with the UDO, the State confined feeding rule as well as the Federal CAFO rule) for at least forty-five days out of the year. He fits in to, not a pasture operation, but a confined animal feeding under Jasper County UDO's raising of farm animals. He stated that through that relationship and trying to quantify what it is he's asking for, why it makes sense and why it's approvable as a rezone to allow him to use that land in that category is that that's where it fits in the UDO and it makes sense that we bring it back to an agricultural purpose and line it up with what it's been historically used as. Mr. Maxwell asked how long the property's been vacant. Mr. Pitstick replied that he's not sure. Ms. Schroeder stated that it's her understanding that the Schultz's owned it prior to Mr. Pitstick and they did row crop farming on that property and it was used as hog marketing on and off prior to that. Mr. Pitstick stated that he's heard Mr. Steve Jordan had pigs there and possibly some other people. He believes it's been in the last decade. Mrs. Scheurich stated that that question was asked at the Plan Commission and nobody seemed to be able to narrow it down to a specific time. Mr. Culp stated that Mr. Jordan used it as a collection point during fair time. As far as a hog buying station, that's been back in to the 1990's. Citizen Mr. Markus Davis stated that, from what he's gathered, it's been before 2000 since that building has been used as a hog market, minus fair usage. Mr. Culp addressed Mr. Veenhuizen and stated that he answered one of Mr. Culp's questions. He heard some reports from the Plan Commission meeting, which Mr. Walstra attended as the Commissioner's representative, about animal units and he thought they were interpreting counting the piglets as an animal and he didn't think that was the case, but was not sure how IDEM classified that. He said however, only if it's zoned correctly. Mr. Culp addressed Mr. Pitstick and stated that it's his understanding that Mr. Pitstick built a building for that use. Mr. Pitstick replied that the building on the back portion of the property is where he wanted to maintain the sows, except during farrowing time. He would move them to the pre-existing hog market building to farrow in the open pens. At the time of weaning, they would be taken to another property and the sows returned to the back building. Mr. Culp asked how deep the property is. Mr. Veenhuizen replied that it is one-quarter mile deep and three-hundred feet wide. Mr. Pitstick stated that, from the road, you are unable to see any part of the building other than the roof. There are a lot of trees and hills so the back portion of the property is somewhat secluded. He said if, for some reason, he is unable in the future to use the front building, he could farrow his pigs somewhere else. He said he is developing his plan as he goes. Mr. Culp asked how many pasture acres there are. Mr. Pitstick said his best guess would be five or six acres. He said he would be rotating the sows in the pasture area so he is able to maintain vegetation. Mr. Pitstick brought pictures of the recently built barn. Mr. Veenhuizen stated that, with the manure lagoons and the lagoons themselves and the production system that Mr. Pitstick is committing to, the lagoons are not intended to be a primary waste management system. They will sit idle, but may take surface run-off or water losses from the existing market building. The manure is a solid manure handling system. He stated that with his experience with manure lagoons, if they are not being loaded, they will naturally revert themselves back, unless Mr. Pitstick chooses to empty them and close them. Mr. Veenhuizen stated that he's been involved in lagoon closures and they are feasible, although complicated. One possibility is to allow those lagoons to be managed as natural bodies of water.

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MARY SCHEURICH / FLOOD ORDINANCE / PITSTICK REZONE CONT'D: They will revert back and not present any kind of environmental impact with water or air quality. Mr. Culp asked what IDEM would require from Mr. Pitstick. Mr. Veenhuizen stated that he is unregulated under the confined feeding program. He's required to comply with environmental laws. Mr. Culp asked if the lagoons are regulated. Mr. Veenhuizen said that they are not because the IDEM threshold is six-hundred animals and the facility never had an IDEM permit. Mr. Culp asked, in general, once a farm closes and goes out of business and a regulated lagoon is left, are there regulations that continue on with the lagoon even though there is no infusion of new waste. Mr. Veenhuizen replied that there are closure requirements prior to being able to exit the program or you stay in the program. Mr. Culp asked Mr. Pitstick what he has currently on site. He replied that he has one-hundred and seventy-nine gilts and eleven bores. The company he works for restricts him from using antibiotics so he bought all his breeding stock at one time and wants to keep a close herd so he does not bring in new animals and potentially cause a disease problem. He does not intend to get any more than that. Mr. Culp asked him if he's farrowing and he replied that it wouldn't be until December. Mr. Culp asked if they're all in the new barn. He replied that they need to be moved to the new barn, but he has not done so because he wasn't sure what he was allowed to do before this got resolved. Mr. Culp asked what he's doing with the waste. He replied that he is currently hauling it to Goodland, Indiana. He has a small stockpile back by the new building until he has enough to load a truck and haul it out. There are two water troughs that run through the building that the pigs are currently in that have a drain at the end. The water does go in to the lagoon. By default, the water troughs get manure kicked in to them. Once the pigs are moved to the back building, he does not plan on using the water troughs. The plan is to haul away the manure and spread it on their farmland. If the distance of hauling becomes too great, he said he would probably talk to some surrounding farmers about spreading on their land. He will be bedding the pigs with straw and then corn stalks in warmer weather. Mr. Culp confirmed with Mrs. Scheurich that he is currently out of compliance. She replied that he is out of compliance with the hogs. Mr. Culp addressed Mr. Pitstick and stated that from past experience, with thirty hogs per acre, he is not going to have any vegetation. He said he will have small pens outside and then they will be turned loose so many hogs at a time. Mr. Culp asked Mr. Walstra what some of the discussion at the meeting was about. Mr. Walstra replied that he believes there was some confusion regarding the number of pigs and piglets. That was one of the main questions. Some of the other concerns were odor and qualifications for the pasture. Ms. Schroeder stated that she brought minutes from the July 25<sup>th</sup> and August 22<sup>nd</sup> meetings. Mr. Walstra stated that another thing he thinks was in people's minds was the question of whether it will ever be made a commercial intersection. There are two state highways that intersect there and there's a connection to Interstate 65. Mr. Culp and Mrs. Scheurich looked at a zone map and Mr. Culp commented that most of it is zoned agricultural. Mrs. Scheurich stated that the I2 zoning is industrial, which is where Hat's Trucking is located, on the East side. Mr. Pitstick stated that he understands the situation with having neighbors and he's not opposed to putting up shelter belts, trees and shrubs to help with any odors. He thinks that moving the hogs away from the highway will help. Mr. Culp asked if he currently has bedding in there. He replied that he has some, but it's not a lot. He said he needs more, but it's hard to get in and out of the pens. He's discussed this with the company he's growing with and told them that the current situation is temporary. They are fine with it as long as he gets them moved out relatively quickly. Ms. Schroeder stated that one of the things that Mr. Walstra brought up was that someone at the August 22<sup>nd</sup> meeting indicated that they had a preference of steering this area in to the more traditional business development. She said in her view, that decision was made when Jasper County looked at it's comprehensive plan and said we'd like to develop this area as a traditional agricultural area. She said that this is a business development that happens to make use of agricultural land that has been used as an agricultural area for some time. Mr. Davis stated that there's not only a couple motor shops. There's Hat's Trucking as well as a business for sale next door to Mr. Pitstick. It's a major highway exchange. Jasper Junction is across the street to the South. It could be considered as a commercial area just as well as agricultural, although there is a lot of agriculture around there. He said another thing he wanted to mention is the order in which things have happened. Everything has taken place backwards. It went from a particular zoning and building for particular use to a hog operation overnight. The building was built and is not compliant to the zoning that the current ground is on. In regards to the hog market building, if the zoning is changed, there is absolutely no grounds for grandfathering that building in any type of A1 use and it does not meet setbacks in a residential situation.

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MARY SCHEURICH / FLOOD ORDINANCE / PITSTICK REZONE CONT'D: It's less than seventy feet from the road, which is required in any building situation. His understanding is, if the zoning change is approved, there is no grounds for him to use that building, or at least, very limited use. He stated that he doesn't see how a farrowing operation is going to work unless he builds another enclosed building on the same property. He asked if any one present has any paperwork in front of them that states a sow and babies are one unit. Mr. Culp replied that it's an IDEM definition. Mr. Davis said with one-hundred and eighty sows, multiplied by ten, that's a major livestock operation. He stated that Mr. Pitstick said he's only breeding twenty, but Mr. Davis wants to know who's going to police that. He said he knows that Mr. Pitstick has buyers that will police it, to an extent. He said he just wants to make the case that he doesn't see this working and in the case of the zoning change, the front building has made his property unbearable and it shouldn't be allowed to be used at all. He said he's not saying it should be torn down, but maybe used as storage at best. Mr. Culp asked Mr. Pitstick what age or size the pigs will be when they get weaned or leave the facility and he replied approximately three to four weeks. Mr. Culp asked if he would be finishing any of them and he said he will not be finishing any at that location. Mr. Culp asked about farrowing in the winter because the hog market building is an open building. He replied that he was going to put a new roof on it, have insulation put in the roof, blow in insulation in the side walls, have the ventilation doors re-done so they will seal up and hang infrared LP heaters. He said some people use farrowing huts, so that's an option also. Mr. Davis stated that he pulled up the GIS on his phone and the hog market building is fifty feet from the road. Mr. Culp addressed Mrs. Scheurich and said that they have the minutes and know that the motion was to deny the request. He asked her if she could brief the Commissioners on their options. She said that, to the best of her knowledge, State statute states that the Commissioners have to make a decision within ninety days of this being presented to them. She said they have some time if they'd like to look in to it, they can continue it. They could also approve or deny based on recommendation of the Plan Commission. It's her understanding that if they don't make a decision within ninety days, the recommendation of the Plan Commission will stand. Mr. Culp addressed Mr. Pitstick and stated that if he didn't have the hog market building, he would have to build another building because he is going to farrow in the hog market building. Mr. Pitstick stated that yes, his original plan was to use the front building for farrowing; although he could farrow at another farm, but that would put a twist in his plans. Ms. Schroeder stated that this point may not be appropriate for the Commissioners meeting, but there is a significant amount of evidence that this would be a legal non-conforming use under Indiana Ag Use Legal Non-Conforming Use Statute, taken with the Jasper County UDO definition of legal non-conforming use. She said that's not why they are here today. She said they've asked for a rezoning so things can be done neat and tidy with a record of it as opposed to relying on historical records. If the land has been used as crop land or pasture land for the past three of the last five years, it can be changed from one agricultural use to another. Mr. Davis asked her if she's talking about just land and not buildings. She replied that there's a statute that lists different types of land use such as crop land and pasture land that can be transferred from one type of use to another and the county can't require any zoning ordinances, variances, special exceptions, etc. Mr. Davis brought up that it was previously used as a hog market, which meant the hogs were in and out and not kept there. Mr. Pitstick stated that the way the back building was designed was to store bedding in the center of the building. He said if he had to, he could use that center area for farrowing. Mr. Culp and Mrs. Scheurich looked at the property in question on the map. Mrs. Scheurich stated that it was originally a twenty acre piece that was rezoned to B2 back in 1970, she believes, for the diesel mechanic deal. She said she has found no records where there was any zoning or such for the livestock building that's there. Grow owned the twenty acres and rezoned the entire twenty. Mr. Veenhuizen stated that there may be a question regarding the details of that zoning. He said if that zoning decision is studied, it exempted the North three-hundred feet. He said if you read the property description of that zoning request, there are 5 acres in one quarter of the section and 17 acres in another quarter of the section and it excepts the North three-hundred feet. Mr. Veenhuizen stated that it reads: Five acres off the South side of the Northeast Quarter of the Southwest Quarter and seventeen acres off the North side of the Southeast Quarter of the Southwest Quarter all in Section 19, Township 30 North, Range 6 West, containing twenty-two acres, more or less, except therefrom the North 300 feet. He said, ironically, that 300 feet matches the property in question. Mr. Culp asked Mr. Veenhuizen what that was in reference to. He replied that it is the zoning ordinance change when they requested to rezone as a roadside business.

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MARY SCHEURICH / FLOOD ORDINANCE / PITSTICK REZONE CONT'D: Mr. Culp stated that that may mean it was never changed. Mrs. Scheurich stated that that is exactly what that would mean. Mr. Culp stated that he's not sure they are ready to make a decision today. Mr. Culp stated that Attorney Beaver needs to take a look at the rezone document from 1970. Mr. Walstra asked if the rezone all happened at one time, the garage and the hog market building. Mrs. Scheurich stated that all it talks about in the rezone application and the minutes is for the diesel. Mr. Culp asked if it was A1 before it got rezoned. Mrs. Scheurich stated that it was S1, but that was 1970's zoning. Mr. Maxwell and Mr. Culp stated that S1 was suburban residence. Mr. Pitstick commented that it makes one wonder if other suburban residences back then got changed to agriculture. Ms. Schroeder stated that this complicates the picture and muddles the idea of why this is zoned the way it is now, which she believes supports Mr. Pitstick's petition when you look at the land and how it's used, how it was used and how it should be used in the future with this messy picture of spotty rezoning. Mr. Maxwell stated that he's unable to make a decision today until he looks more in to it. He would request to not make a decision today because of the three-hundred feet. Mr. Culp stated that they will need to research what the S1 classification contained at that time. Mr. Maxwell stated that the Commissioners should also consult with Attorney Beaver. Mr. Culp stated that that still doesn't solve the problem that he's out of compliance according to the map today, but that's another issue. Mr. Maxwell made a motion to postpone any decision until more research is done on it. Mr. Walstra supported and the motion carried. Mr. Culp stated that this would be turned over to Attorney Beaver. Mrs. Schroeder asked if he could move the pigs to the back building in the meantime. She said that might help with some of the smell that might bother the neighbors. Mr. Culp stated that they did not give him permission to put them in the front building and he's out of compliance either way. Mr. Veenhuizen stated that he didn't find it in the minutes of the August meeting, but in the minutes of the July meeting, the Plan Commission did allow him to continue to operate until the next meeting. He said he believes there was no discussion at that meeting as to whether he needed to cease operation. He then asked if Mr. Pitstick can continue to operate. He said that, in the minutes, it does not appear that the Plan Commission restricted his use of the property. Mr. Pitstick, on his own, chose to stay in the existing building for concern that it may compromise his petition. Mr. Culp stated that their motion was to continue this so they are not making any decisions today. Mr. Davis stated that this is the third time he's asking to get the hogs out. He said he understands Mr. Pitstick's dilemma, but Mr. Pitstick did things in the wrong order and he said he is now unable to invest any more in his own property until a decision is made. He stated that the violation is a big problem for him. Mr. Culp stated that he understands, but they may find out that this zoning was right all along. He said he doesn't believe the Plan Commission was even aware of this. Mr. Maxwell stated that they can't make a decision without all the facts. Mr. Pitstick stated that, if he knew it was commercial, he would not have put pigs there, but on the GIS, it says 199 – other agricultural. He assumed, without any reason to think any differently, that it was agricultural. Mr. Culp stated that the property record card states that it's general commercial, so that is how it's taxed. Mr. Culp stated that they will turn a copy of the zoning over to Attorney Beaver and this will be addressed again at the October 3, 2106 meeting at 9:00 A.M. C.S.T.

MARY SCHEURICH / GIS: Mrs. Scheurich stated that there is an issue with the GIS that needs discussed. Mr. Culp asked if she was talking about the parcels. She replied that she is and Mr. Culp stated that they will need Mr. Urbano for this discussion. They will discuss this at the Drainage Board meeting today.

JOHN KAHLER / DRAINAGE ADJOINING SHERIFF'S PROPERTY: Mr. Kahler was present and stated that he believes Sheriff Risner had discussed with them his suggestion of putting a swell in between his property and the jail. He said he gets a lot of standing water there and is unable to mow his yard. Mr. Culp and Mr. Maxwell stated that Sheriff Risner has talked to them about it. Mr. Kahler said either the County can do it or he can do it, but if he does it, he will be on County property because the actual problem is on the County side of the property. He said he thinks the easiest thing would be to cut a swell about six to eight inches deep and level it and get the water to drain to the retention pond. Mr. Culp asked if there is a high spot between the retention pond and where the water is collecting. He replied that the actual slope is in the field and where the water is is in kind of an enclosed area.

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JOHN KAHLER / DRAINAGE ADJOINING SHERIFF'S PROPERTY CONT'D: Mr. Culp stated that there is a Drainage Board meeting this afternoon and they will consult with the Surveyor and have him advise as to what would be the best option, whether it be a swale or a tile.

BRAD REINKING / USGS: Mr. Reinking was present to gain permission to attach a streamflow gauge on the downstream side of 630 West. It is located in Carpenter Creek. Mr. Maxwell asked what the purpose of this is. He replied that it will monitor how high the water is, the creek stage and how much discharge, cubic feet per second, is flowing. Mr. Culp asked him if INDOT asked him to do this. He replied that INDOT is their main cooperator so INDOT is pitching in funds. Usually, a cooperator pitches in about half of the funds and USGS supports the other half of the funds. He said they looked at another street in Remington, but it was a dead-end and 630 West would be more appropriate for their needs in monitoring the water level and how much water is flowing. Mr. Maxwell asked if it was for the depth of the water and he replied that it's pretty similar. Mr. Maxwell asked if there's a gauge on it that will turn a pump off and on. He said no, but he didn't want to get in to the sensor part of it yet. He said it will only monitor the levels. Mr. Maxwell stated that we have another project in White County regarding some retention ponds and they are supposed to put a depth control on the bridge on the East side of Remington and when it got to certain depth, it would shut the pump off that was pumping the retention ponds. When it gets so low, it would come back on. He said he doesn't want that one on 630 West. They want that one at the East edge of Remington. Mr. Reinking asked if they want it coming in before the ponds. Mr. Maxwell replied that if USGS has anything to do with White County, then yes, they do. Mr. Culp stated that they are just trying to determine if this is two projects or the same project. He replied that, as far as he knows, INDOT is the cooperator with them and they just wanted one in the area. Mr. Reinking stated that he imagines it would be a different project. Mr. Culp stated that it sounds like it is two different projects because White County Government was to install that. Mr. Maxwell asked if he would be installing it today. He replied that that was his partial mistake. He said he was hoping to meet the Commissioners on site today and show them the boxes. Mr. Maxwell stated that they are in meetings all day. Mr. Culp looked at the original email from Mr. Baker, Paul Reinking's boss, and stated that he still doesn't know if they are all on the same page. Mr. Culp stated that he would text John, who will be meeting with White County, to see if he knows anything about it. He stated that he doesn't have any problem with them collecting the data. Mr. Maxwell stated that he doesn't have a problem with them collecting data, as long as it's not tied to that other project. Mr. Culp stated that if it's tied to the other project, then they want it in town, but he has a feeling it's two separate projects. Mr. Haberlin asked if someone wants it moved, is it a problem. Mr. Reinking stated that it's not too big of a deal, but would be a couple days' worth of work. Mr. Reinking called Mr. Baker to ask if this project has anything to do with the White County project. Mr. Baker talked to Mr. Haberlin and Mr. Baker told him that this has nothing whatsoever to do with the White County Project. Mr. Culp stated that they will need to sign a hold harmless. Mr. Maxwell made a motion to approve the request of USGS with the hold harmless signed. Mr. Walstra seconded and the motion carried. Mr. Walstra told Mr. Reinking that they will email him the document to sign.

VICKI BOZELL / POLLING LOCATION: Mrs. Bozell was present to ask permission to change a polling location from the legion in Carpenter West to the library in Carpenter East due to the Carpenter West location smelling like smoke. Mr. Maxwell made the motion to approve this request. Mr. Walstra seconded and the motion carried.

Mr. Ray Sief, the new Director at the Airport, was present to introduce himself.

ATTORNEY BEAVER / PUBLIC WORKS PROJECTS BY OWN WORKFORCE: Attorney Beaver was present and stated that there's a statute that pertains to public works projects that are performed by the County's own workforce and there are different requirements that can be done. Most of them are based on the estimated cost of the project. When there's a project that's between \$100,000 and \$250,000, the law requires notice of that be published in the newspapers and the notice has to give the estimated cost and break down the cost by component. Also, that same statute for these particular projects does require the Board of Commissioners during a public meeting to determine that it's in the public interest to perform the public work project with the county's own workforce.

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ATTORNEY BEAVER / PUBLIC WORKS PROJECTS BY OWN WORKFORCE CONT'D:

He said that he thinks the determination can be made orally by a passage of a motion of the Board. He gave a summary of the six projects that had been advertised:

Asphalt paving of County Road 1400 North Eastward from State Road 49 to a bridge, a distance of .8 miles for a projected total cost of \$102,150.00

Asphalt paving of County Road 400 West between County Roads 1100 North and 900 North, a distance of two miles for a projected total cost of \$152,335.00

Asphalt paving of County Road 380 West between Indiana State Road 16 and County Road 1200 South, a distance of two miles for a projected total cost of \$195,795.00

Asphalt paving of County Road 1000 West between Indiana State Road 114 and County Road 700 South, a distance of two miles for a projected total cost of \$143,315.00

Asphalt paving of County Road 370 South between County Roads 20 East and 230 East, a distance of two miles for a projected total cost of \$141,880.00

Asphalt paving of County Road 150 South (also known as Moody Road) to a bridge, a distance of 1.7 miles for a projected total cost of \$137,288.00

If the Commissioners deem it to be in the public's interest to perform those public work projects with the county's own workforce, it can be done by oral motion.

Mr. Maxwell made the motion to approve the County to use it's own workforce on these projects. Mr. Walstra seconded and the motion carried.

ATTORNEY BEAVER / CODE PUBLISHING COMPANY: Attorney Beaver stated that, after the last meeting, he received an email from the CEO of the Code Publishing Company out of Seattle. She asked the County to approve the layout of the Table of Contents and also the formatting. Attorney Beaver approved what they suggested, which was what we had in 1998 so there will be no changes. This also happens to be the cheapest way to do this, which is to have two column pages rather than single column pages.

JACK HABERLIN / CCMG GRANT FUND MONEY: Mr. Haberlin stated that they tentatively heard about their CCMG grant fund money. They received a letter from them and they have to go to class on September 14<sup>th</sup>. He said then they will probably tell him what projects we did get and they will give him instructions on what to do. He said his department is busy with chip and seal and then they have paving to do.

JAIL REFINANCING: Mr. Culp addressed Attorney Beaver and stated that he received a call from Rick Hall from Barnes and Thornburg. He handled the jail financing. He said that Mr. Hall told him, with the interest rates the way they are, the County could refinance the bonds at an annual savings of \$35,000. That would be a net savings after the transaction fees and Umbaugh would be involved. He stated that he called Mr. Bontreger and talked to him about the Council mentioning at one time that they wanted to pay that off. Next year would be the year they could do that. He said that Mr. Bontreger told him that they haven't talked about it much lately, but knowing that they would have to start over with that special tax, he's of the opinion to proceed and refinance that. Mr. Bontreger was concerned about using the reserves. If they paid it off as opposed to refinancing, it would entail using the rainy day funds and being left with less cash versus taking a lower interest rate. Mr. Culp asked Attorney Beaver what role the Commissioners have or is it strictly a Council role. Attorney Beaver said he doesn't have the answer to that. He stated that he would give Mr. Hall a call. Mr. Culp and Mr. Maxwell believe it's probably a decision for the Council and that it would be a good decision to refinance. Mr. Walstra asked how much is left on the jail. Mr. Culp stated that July, 2009 was when we made the first payment. The last payment is due January, 2022, so five and one half years left. Discussion was had regarding the interest rate.



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JACK HABERLIN / BRIDGE 123: Mr. Haberlin stated that eventually they will be moving ahead with Bridge 123. He said they are ready to go with that.

At this time, the meeting stands in recess.

**AFTER THE JASPER COUNTY DRAINAGE BOARD MEETING**

FAIRGROUNDS PROPERTY: Mr. Culp stated that he spoke to Mr. Gary Gilmore regarding the property adjoining the Fairgrounds. He stated Mr. Gilmore is still good to go regarding the sale. Mr. Culp stated that he believes the appraisals came back at \$78,000 and \$78,500, for an average of \$78,250, which is within \$100 of what Mr. Gilmore was asking for so he's agreed to that. He believes, after talking to Attorney Beaver, that the next step is to order the survey. The Council, Commissioners and sellers all sign the documents. Attorney Beaver wants the sellers to sign first. Mr. Culp stated that he will contact the surveyor.

EMPLOYEE BONDS: Employee bonds were presented for the following employees: Cheryl Eckstrom, Coroner and Deputies and Donna Horner. Mr. Maxwell made a motion to approve all bonds. Mr. Walstra seconded and the motion carried.

MARY ELLEN MATHEW / VACATION DAY EXTENSION REQUEST: Auditor Grow stated that she has a request from Mrs. Mathew to extend four hours of vacation time. Mr. Walstra made the motion to approve. Mr. Maxwell seconded and the motion carried.

DIVISION OF WEIGHTS AND MEASURES: Auditor Grow presented a letter from Indiana State Department of Health Division of Weights and Measures in regards to an annual conference for training. She stated that she spoke with Mike Harper and he is Treasurer of that Board so it will not cost the County anything for him to attend.

PURDUE EXTENSION / USE OF COURTHOUSE LAWN: Auditor Grow stated that Alice Smith emailed requesting permission for the Halloween Event Committee to place a sign in the Northeast corner of the Courthouse lawn promoting the Halloween Event 2016. Mr. Maxwell made a motion to approve this request. Mr. Walstra seconded and the motion carried. Mr. Culp gave Auditor Grow permission to handle requests in the future when committees ask to place signs on the lawn.

AUDITOR GROW / CONFERENCE REQUEST: Auditor Grow requested permission for three of her Deputies to attend the annual Auditor's Conference in the fall, October 4-7, 2016. The costs incurred will include a registration fee of \$200 per person, lodging and some meals. Most of the meals are covered. Mr. Culp asked if the conference is in Indianapolis and she replied that it is. Mr. Maxwell made the motion to approve this request. Mr. Walstra seconded and the motion carried.

PROSECUTOR / EMPLOYEE REPLACEMENT: Auditor Grow stated that she received an email from Christine Haskell's office. An employee has resigned, with her last day being September 15, 2016. She is requesting permission to replace her. Mr. Maxwell asked who resigned. Auditor Grow replied that it's Cara Tegeler. Mr. Walstra made the motion to approve this request. Mr. Maxwell seconded and the motion carried.

TREE ON COURTHOUSE LAWN / MEMORIAL PLAQUE: Regarding the tree that was taken down, there is a memorial plaque for Marge Groom that is still there. It is down in the ground. Auditor Grow asked the Commissioners if they would like her to contact Rick Odle and ask if he would like to plant another tree in that location. Mr. Culp stated that Mr. Odle was planning on planting three Bi-centennial trees. Mr. Culp suggested that the plaque be moved near one of the new trees. Mr. Walstra suggested contacting someone in the family and see if it can be moved to one of the new trees. Mr. Maxwell suggested contacting Gary Groom through Monica at the Mayor's office.

## **AFTER THE JASPER COUNTY DRAINAGE BOARD MEETING**

### **COMMISSIONERS CONFERENCE:**

Auditor Grow requested permission to attend the Commissioners conference, along with her Deputy Tina Porter, from Tuesday, November 29<sup>th</sup> through Thursday, December 1<sup>st</sup>. Mr. Culp stated that the Commissioners conference is November 28<sup>th</sup> through December 1<sup>st</sup> and the following will be attending: Kendell Culp, Dick Maxwell, James Walstra, Jack Haberlin, Kim Grow and Tina Porter. Mr. Walstra made the motion to approve. Mr. Maxwell seconded and the motion carried.

**EXECUTIVE SESSION:** The executive session with Key Benefit Administrators will be Monday September 12, 2016 at 9:00 A.M. C.S.T.

**ANIMAL CONTROL RESIGNATION:** Mr. Culp stated that there is an opening on the Animal Control Board due to Pauline Boring resigning.

**BZA:** Mr. Culp stated that there is an opening on the Board of Zoning and Appeals.

**WHEATFIELD PLAN COMMISSION:** Mr. Culp stated that there is an open position for our appointment in the buffer on the Plan Commission due to Matt Hunter's resignation.

**NIPSCO ROAD AGREEMENT:** Mr. Culp stated that NIPSCO is saying since they've deeded the County the property and we deeded them the current road, they've realized that they have the liability of a County Road and they don't want it. NIPSCO now wants to close that road. Mr. Culp stated that he told them the agreement was that NIPSCO would re-route that road. Mr. Culp stated that we will need to be making plans over the winter for the new road. He asked Mr. Haberlin if he thinks most of the work by Kevin Sayers will be hired out. He replied that he figured the cost the best he could at \$275,000. He said they ended up getting \$530,000. Mr. Culp stated that they've already hired Mr. Sayers. He asked Mr. Haberlin if Mr. Sayers is doing the permitting also. Mr. Haberlin replied that Mr. Sayers will be doing the permitting as well as putting the specs together when we open up the contracts. He will be overseeing the project. Mr. Haberlin stated that he thinks it would be hard for us to do this in-house for \$275,000. Mr. Culp stated that we need to be sure we're not spending more than we've brought in on this deal. Mr. Haberlin stated that the \$275,000 covers everything, even if we hire it out. Mr. Culp asked Mr. Haberlin if he was thinking of getting one contractor to be responsible for all of it. Mr. Haberlin replied that a general contractor would be the best way to go. Mr. Walstra stated that he would not put anyone in there without a union. Mr. Walstra suggested hiring Mr. Rodney Urbano. There was some discussion regarding contractors, sub-contractors, price mark-up and putting this out there for bids.

There being no further business, Mr. Maxwell made a motion to continue this meeting to Monday, September 12, 2016 at 9:00 A.M. C.S.T. Mr. Walstra seconded and the motion carried.

### **JASPER COUNTY BOARD OF COMMISSIONERS**

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Kendell Culp, President

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James A. Walstra, Vice President

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Richard E. Maxwell, Member

ATTEST:

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Kimberly K. Grow, Auditor of Jasper County



